IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 08 OF 2007

Nageshwar @ Bapu Limbraj
Waghmode and ors. ..Applicants

Vs.

State of Maharashtra ..Respondent

Mr. B.D. Joshi i/by Mr.S.P. Hulyalkar for applicants.
Ms. Rajshree Gadhvi, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 10, 2007.

P.C.:

1. Heard Mr. Joshi the learned counsel for the applicants and the learned APP. This is an application for anticipatory bail after the same prayer was rejected by the learned Additional Sessions Judge at Pune on 6/1/2007.

2. As noted earlier in the order dated 8/1/2007 the applicant nos.1 and 5 have already been taken in custody and, therefore, this application survives for

the remaining applicants i.e. applicant nos.2 to 4.

3. The investigation papers placed before me by the learned APP have been perused and the FIR filed by Shri Chandrakant Arjun Mohite @ Danny on 30/12/2006 attributes some role of assault so far as applicant nos.1 and 5 are concerned. So far as applicant nos.2 is concerned it is alleged that he held the complainant. Applicant nos.3 and 4 are alleged to be physically present as the members of the gang who attacked the complainant. In any case, the main allegations are against the applicant nos.1 and 5, who are already in custody of the police for interrogation. Hence this application deserves to be allowed as, prima facie, it is clear that the custodial interrogation of applicant nos.2 to 4 is not warranted.

4. It is, therefore, directed that in the event of the arrest of applicant nos.2 to 4 in connection with CR No.435 of 2006 registered with Bhosari Police Station, Pune, they shall be released on bail on furnishing the PR bond in the sum of Rs.3000/- each

and with one solvent surety for the like amount for each of the applicant nos.2 to 4 and subject to the further condition that all these three applicants shall report to the Bhosari Police Station every day between 3 p.m. to 6 p.m. for a period of two weeks from today.

(B.H. Marlapalle,J.)